

REMARKS

Currently, claims 69, 70, 72, and 74 are pending and under examination in this application. By this Amendment, Applicants propose to amend independent claims 69 and 72 to specifically recite preferred polymerases according to the invention. Support for the amendments to claims 69 and 72 comes from the specification, as originally filed, at page 63, line 1, through page 65, line 32, for example. Accordingly, no new matter is added by this Amendment.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Office, placing claims 69, 70, 72, and 74 in condition for allowance. Applicants submit that the proposed amendments of claims 69 and 72 do not raise new issues or necessitate the undertaking of any additional search of the art by the Office, because all of the elements and their claimed relationships were either claimed earlier or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Office. In addition, the proposed amendments would not result in additional claims being added to the application. Furthermore, the proposed amendments would place the claims in better form for appeal, should an appeal be necessary. Applicants respectfully submit that the proposed amendments were not made earlier in prosecution of the application because the need for the amendments was not evident until issuance of the Final Office Action.

I. *Rejection Under 35 U.S.C. § 112, first paragraph*

The sole issue remaining in contention in this application is whether the claims find adequate written description support in the specification. (Final Office Action at paragraph 4.)

The Office asserts that the claims are supported only to the extent that they read on methods using Pfu and Vent DNA polymerases. Applicants respectfully disagree.

Applicants submit that the full scope of the invention, as claimed earlier during prosecution of this application, is adequately described and satisfies the requirements of 35 U.S.C. § 112, first paragraph. However, to expedite allowance of the present claims, by this Amendment, Applicants propose to specifically recite certain polymerases that are specifically shown in the specification to participate in enhanced nucleic acid polymerase reactions in the presence of a P45 protein and a nucleic acid. Applicants direct the attention of the Office to the specification, at pages 63-65 (Example 15) and the accompanying figures discussed in that portion of the application. Specifically, the cited portion of the specification states, and shows data, that nucleic acid polymerization reactions performed with multiple polymerases are enhanced by inclusion of a PEF. While the teachings of the specification are not limited to those particular polymerases discussed and exemplified in this portion of the specification, to expedite allowance of the present claims, Applicants have elected to specifically recite the exemplified polymerases in the present claims. Applicants specifically reserve the right to pursue subject matter eliminated from the claims by the present amendment in one or more continuing applications.

In view of the specific recitation of polymerases that are exemplified in the specification as participating in enhanced polymerase reactions in the presence of a PEF, and in view of the clear data provided in support of that concept, Applicants request that the Office reconsider and

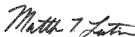
withdraw the rejection of claims 69, 70, 72, and 74 under 35 U.S.C. §112, first paragraph, as lacking an adequate written description.

II. *Conclusion*

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. If the Office believes anything further is necessary to place this application in even better condition for allowance, Applicants request that their undersigned representative be contacted at the telephone number listed below to discuss the remaining issues.

Please grant any extensions of time required to enter this Response and charge any required fees to Deposit Account No. 50-3740.

Respectfully submitted,
Holly HOGREFE et al.



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